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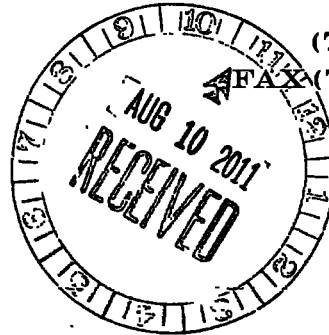
## HOPEWELL TOWNSHIP

### YORK COUNTY, PENNSYLVANIA

PO BOX 429, 3336 BRIDGEVIEW ROAD  
STEWARTSTOWN PA 17363

August 5, 2011

Cynthia T. Brown  
Chief of the Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-001



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Office of Proceedings

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**RE:    *Stewartstown Railroad Company – Adverse Abandonment in York County, PA***  
***STB Docket No. AB-1071***

Dear Ms. Brown:

I am writing as Chairman of the Board of Supervisors of Hopewell Township, York County, Pennsylvania, on behalf of and at the direction of the Board of Supervisors (referred to as the "Board"), which is the governing body of Hopewell Township, a Pennsylvania municipality, being a second class township. A significant portion of the above railroad corridor travels through our township, and as such the Board is interested in transportation and recreation within its boundaries.

Although not taking a position on the merits of this abandonment, the Board joins in the request of the York County Rail Trail Authority, conveyed to you by letter dated July 19, 2011, in requesting issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization of the Stewartstown Railroad between Stewartstown and New Freedom, PA.

#### **A. Public Use Condition**

The Board requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties, and signal equipment, except for public use on reasonable terms. The justification for this that the corridor would make an excellent trail for non-motorized transportation and recreation, the corridor would link directly to the Heritage Rail Trail County Park that was developed in the 1990s within the Northern Central Railway corridor from New Freedom to York, PA, and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important wildlife habitat and greenspace, and its preservation as a recreational trail is consistent with that end. The time period sought is 180 days from the effective date of the abandonment authorization. The York County Rail Trail Authority, with whom the Township will work on this matter, needs that much time because neither we nor the Rail Trail

Authority have had an opportunity to assemble or review title information, complete a trail plan, or commence negotiations with the owner.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts, and tunnels. The justification for this is that these structures have considerable value for non-motorized transportation and recreational trail purposes. We request the same time period as set out above, for the same reasons.

#### **B. Interim Trail Use**

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, the Board makes the following request:

#### **STATEMENT OF CONCURRENCE OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY.**

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR §1152.29, per their letter to you dated July 19, 2011, the York County Rail Trail Authority is willing to assume full responsibility for management of, any legal liability arising out of the transfer or use of (subject to immunity as set out in their letter), and the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Stewartstown Railroad Company.

The property, known as the Stewartstown Railroad, extends from railroad milepost 0.0 (New Freedom, PA) to milepost 7.4 (roughly 0.2 miles east of Stewartstown, PA), a distance of 7.4 miles in York County, PA. A portion of that property, beginning on the western boundary of Stewartstown Borough, is located in Hopewell Township.

A map was provided with the Rail Trail's July 19, 2011 letter.

Hopewell Township acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above, and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

Again, the Board of Supervisors concurs and joins with the request of the York County Rail Trail Authority as set out in their July 19, 2011 letter to you.

By my signature below, I certify service upon Stewartstown Railroad, P.O. Box 155, Stewartstown, PA 17363 by first class United States Mail, postage prepaid, on August 5, 2011.

Respectfully submitted,



David T. Wisnom, Chairman  
Hopewell Township Board of Supervisors

pc York County Board of Commissioners  
David Williamson, President of Stewartstown Railroad Company  
Keith G. O'Brien, Counsel for Estate of George M. Hart  
York County Rail Trail Authority